

MINUTES
INLAND WETLANDS AND WATERCOURSES COMMISSION
AUGUST 2, 2010

MEMBERS PRESENT: Richard Girouard, Chairman
John Lauria, Secretary
Lars Jorgensen (arrived at 7:30)
Richard Deecken
Carmine DeFeo
Kevin Chamberlain, Alternate (voting)
Frank Marcus, Alternate (voting)

ALSO PRESENT: Stephen Savarese, PE, LS Town Engineer

The following is a brief summary of the meeting. A recording was made on tape and is on file in the office of the Town Engineer, Town Hall, Trumbull, CT.

Work Session:

The Chairman convened the work session at 7:10 p.m.
The Chairman stated both alternates, Frank and Kevin, would be voting.
After discussion and review, the Commission took action as follows:

Motion made (Deecken) to DENY Application 10-03 (City of Bridgeport) – the Motion was not seconded.

Motion made (Lauria) seconded (Marcus) to APPROVE Application 10-03 (City of Bridgeport), as submitted, subject to the General Conditions as established by the Commission and the following specific conditions:

1. All work is subject to the general conditions of the Town of Trumbull. Applicant shall notify the Wetlands Agent 48 hours prior to the commencement of any work.
2. This approval is conditioned upon a general permit being issued by the U.S. Army Corps of Engineers. Prior to issuing a building permit, the applicant shall submit a copy of Corps of Engineers' approval letter to the Wetlands Agent.
3. Mitigation for the filling of wetland #2 is to be provided as proposed by the applicant. Prior to issuance of a building permit, the applicant shall submit a planting plan prepared by a landscape architect or environmental consultant to the Wetlands Agent. A cash performance bond, calculated by the design engineer and approved by the Town engineer shall be posted prior to the commencement of work.
4. Prior to issuance of a building permit, the applicant shall submit a comprehensive construction staging drawing to the Wetlands Agent. At a minimum, the drawing shall included:
 - limit of disturbance line;
 - conservation easement;
 - equipment and materials lay down area;
 - construction trailers and parking;
 - temporary construction fencing;
 - temporary barriers proposed around wetland #4.

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The applicant shall not deviate from the submitted drawing without prior approval of the Wetlands Agent.

5. Prior to issuance of a building permit, the Applicant shall record a Conservation Easement in favor of the Town of Trumbull on the Trumbull Land Records, as proposed by the applicant on drawing number C-304 entitled "Proposed Conservation Easement" June 1, 2010 prepared by DTC Consultants.
6. Prior to commencement of any clearing or excavating work, the applicant shall install a continuous split rail fence, and marker posts with placards every 100 feet on center, along all boundaries of the proposed conservation easement. Placards shall be diamond shaped yellow metal signs, 8 inches in width, mounted 3 feet about grade on wood posts, and shall be labeled "Town of Trumbull Conservation Easement".
7. Prior to the commencement of any clearing or excavating work, wetland #4 shall be protected with temporary chain link fencing, silt fence, and pre-cast concrete jersey barriers around its entire perimeter.
8. Applicant shall repair or replace fencing along D.O.T. right of way to secure all of the site's boundaries with the Route 25 expressway.
9. Applicant shall clean the site of all trash, tires, et cetera.
10. Monthly site visits shall be performed during construction, starting at the commencement of work, by the applicant's chosen environmental consultant (REMA or other firm acceptable to the Wetlands Agent) with copies of reports sent to this commission on a monthly basis. Reports shall include photographs of the wetlands and conservation easement area.
11. Prior to issuance of a certificate of occupancy, the applicant shall provide to the Wetlands Agent an as-built A-2 survey of the entire property. Survey shall include location of all site improvements, buildings, roads, parking lots, drainage structures and detention basins, created wetlands, conservation easement, et cetera.
12. Prior to issuance of certificate of occupancy, the applicant shall provide to the Wetlands Agent letters from the civil engineer (DTC) and the environmental consultant (REMA) stating that, to the best of their knowledge and belief, the work has been completed in accordance with their design.

Discussion.

The above motion to approve for discussion purposes was made by Commissioner Lauria and seconded by Commissioner Marcus. Discussion took place and included the following highlights. Commissioner Lauria stated he is in favor of the project and wants to take a look at all the wetlands issues and the conservation easement that was offered. Commissioner Chamberlain stated he thought it was a well designed project and there were enough justifications for where the project is located. He prepared a list of conditions he would like included in a motion to approve and he gave a copy of his condition list to the clerk to follow. Commissioner Chamberlain read through his list and comments and discussions took place and changes were suggested and made to some of the listed conditions. Some of the discussions were on different forms of placards, schedule of site visits and reporting, planting plans, site clean up, and the condition of the entire park site.

Commissioner Deecken stated the same conditions could also be used as reasons for denial. He cited specific Regulations including 1.1 of Section 1, Section 10.2b, Section 10.2d, 10.2e, 10.2f. He also stated the school is too big and an alternate with a smaller school should have been submitted. He also commented on the

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amount of students and believes 1500 students are too many. He also commented on testimony that was given during the application process.

Commissioner DeFeo commented on the markings for the existing wetlands and area 4 and had questions and concerns regarding the protected areas. He also commented on the potential health concern that was brought up during the application process. Discussions took place regarding mosquitoes, the small wetland area, mitigation areas, wetland creation areas A and B, and tree removal.

Commissioner Jorgensen arrived at 7:30 and the Chairman briefed him on what took place before his arrival. The Chairman stated the voting would not change all seven Commissioners present would be voting.

Steve Savarese summarized the mitigation that was offered and opinions and recommendations from consultants and experts. Further discussion took place regarding mitigation.

Commissioner Deecken summarized his reasons for denial for Commissioner Jorgensen. Discussion took place regarding alternatives that were presented, location and size of the building, number of students and the value of the wooded isolated wetland. Further discussions also took place regarding reasonable and feasible alternates for a different location on the site, environmental impacts, mitigation, fill and filling on the site during construction. The Town's consultant's reports were commented on.

The existing condition of the park and the planned clean up was also brought up. The efforts of the applicant to use the existing roads and be as environmentally friendly as possible were also pointed out. To avoid the wetlands altogether would have been much more environmentally harmful. Different ideas for delineation of the conservation easement and protection of the wetlands during construction were also addressed. Conservation and wetland markings, placards and planting plans were also talked about. The Commission reviewed the June 1, 2010 map showing the conservation easement area. Extensive discussion took place regarding mitigation areas A and B and the consensus of the Commission was mitigation area B is not needed.

The conditions were again reviewed and addressed and after discussions the following amended motion was made and voted on.

Motion amended, as discussed, (Chamberlain) seconded (Marcus) to APPROVE Application 10-03 (City of Bridgeport), as submitted, subject to the General Conditions as established by the Commission and the following specific conditions:

1. All work is subject to the general conditions of the Town of Trumbull. Applicant shall notify the Wetlands Agent 48 hours prior to commencement of any work.
2. This approval is conditioned upon a general permit being issued by the U.S. Army Corps of Engineers. Prior to the issuance of a building permit, the applicant shall submit a copy of Corps of Engineers' approval letter to the Wetlands Agent.
3. Wetland creation area A is to be provided as proposed by the applicant. Wetland creation area B is not necessary. Prior to issuance of a building permit, the applicant shall submit a planting plan prepared by a landscape architect or environmental consultant to the Wetlands Agent. A cash

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performance bond, calculated by the design engineer and approved by the Town engineer shall be posted prior to the commencement of work.

4. Prior to issuance of a building permit, the applicant shall submit a comprehensive construction staging drawing to the Wetlands Agent. At a minimum, the drawing shall included:
 - limit of disturbance line;
 - conservation easement;
 - equipment and materials lay down area;
 - construction trailers and parking;
 - temporary construction fencing;
 - temporary barriers around wetland #4.

The applicant shall not deviate from the submitted drawing without prior approval of the Wetlands Agent.

5. Prior to issuance of a building permit, the Applicant shall record a Conservation Easement in favor of the Town of Trumbull on the Trumbull Land Records, as proposed by the applicant on drawing number C-304 entitled "Proposed Conservation Easement" June 1, 2010 prepared by DTC Consultants.
6. Prior to commencement of any clearing or excavating work, the applicant shall install marker posts with placards every 100 feet on center, along all boundaries of the proposed conservation easement and all wetland boundaries. Placards shall be in a form approved by the Wetlands Agent.
7. Prior to the commencement of any clearing or excavating work, wetland #4 shall be protected with temporary chain link fencing, silt fence, and pre-cast concrete jersey barriers around its entire perimeter.
8. Applicant shall repair or replace fencing along D.O.T. right of way to secure all of the site's boundaries with the Route 25 expressway.
9. Applicant shall clean the site of all trash, tires, automotive parts, et cetera.
10. Weekly site visits shall be performed during construction, starting at the commencement of work, by the applicant's chosen environmental consultant (REMA or other firm acceptable to the Wetlands Agent) with copies of reports sent to this commission on a monthly basis. Reports shall include photographs of the wetlands and conservation easement area. Any discrepancies identified during the site visit shall be immediately reported by the consultant to the site supervisor and the Wetlands Agent.
11. Prior to issuance of a certificate of occupancy, the applicant shall provide to the Wetlands Agent an as-built A-2 survey of the entire property. Survey shall indicate location of all site improvements, buildings, roads, parking lots, drainage structures and detention basins, created wetland area A, conservation easement, et cetera.
12. Prior to issuance of certificate of occupancy, the applicant shall provide to the Wetlands Agent letters from the civil engineer (DTC) and environmental consultant (REMA) stating that, to the best of their knowledge and belief, the work has been completed in accordance with their design.
13. Prior to issuance of a building permit applicant shall pay all expert fees incurred by the Commission relative to this application.

Discussion. MOTION CARRIED - 6 in favor (Girouard, Marcus, Lauria, Chamberlain, DeFeo, Jorgensen) 1 against (Deecken).

The Chairman called a recess at 8:55 p.m.

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The Chairman reconvened the meeting at 9:10 p.m.

Motion made (Deecken) seconded (Marcus) to end the work session at 9:10 p.m. No Discussion. All in favor. MOTION CARRIED UNANIMOUSLY.

The Chairman opened violations at 9:10 p.m.

The Town Engineer, Steve Savarese, summarized the Cease and Correct Order and Notice of Violation that was recorded on John Cook's property at 63 Moose Hill Road and the conditions set by the Commission.

The conditions and documents the Commission previously requested were revisited and discussed and the Commission agreed to accept the A2 survey Mr. Cook has and to have the wetlands delineated on that survey. Also, the original conditions stated in the Commission's letter dated July 16, 2009 remain in effect.

Motion made (Chamberlain) seconded (Marcus) to keep the same conditions stated in the Commission's letter to Mr. John Cook dated July 16, 2009 in effect except for as noted above. Discussion. All in favor. MOTION CARRIED UNANIMOUSLY.

The Town Engineer, Steve Savarese, summarized the Cease and Correct Order and Notice of Violation that was recorded on Joseph and Deborah Hyatt's property at 49 Moose Hill Road and the conditions set by the Commission.

The Chairman gave a brief synopsis of the time frame and history of the site. The conditions that were previously imposed were reviewed and discussed in great detail and the Commission still wants the requested information. The conditions have not been satisfied and the original conditions stated in the Commission's letter dated July 16, 2009 remain in effect.

Motion made (Deecken) seconded (Lauria) to accept conditions from the Commission's letter to Mr. and Mrs. Joseph Hyatt dated July 16, 2009 with corrections to minor typographical errors. Discussion. All in favor. MOTION CARRIED UNANIMOUSLY.

There being no objections the Chairman moved to adjourn the meeting at 10:05 p.m. No discussion.

Submitted by,
Joyce Augustinsky
Clerk of the Commission